

ENTERED

October 11, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

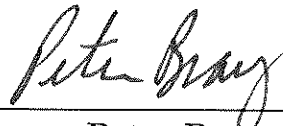
Cassandra Whitaker as Putative	§	
Representative of the Estate of	§	
Nashyra Whitaker,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action M-23-339
	§	
Bianca Famer, et al.,	§	
<i>Defendants.</i>	§	

MEMORANDUM AND RECOMMENDATION

This case has been referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1). ECF No. 4. On June 24, 2024, the court ordered the Plaintiff to serve “any outstanding defendants against whom Plaintiff wishes to pursue her claims” by July 26, 2024. ECF No. 42 at 2. At the hearing held on October 10, 2024, Plaintiff’s counsel stated that Defendants Red Door Entertainment, LLC, Red Door Carriers, LLC, Armando Lopez, Jr. and Cesar Cruz have not been served. Accordingly, pursuant to Rule 4(m), the court recommends Defendants Red Door Entertainment, LLC, Red Door Carriers, LLC, Armando Lopez, Jr. and Cesar Cruz be dismissed without prejudice for failure to serve them.

The parties have fourteen days from service of this Memorandum and Recommendation to file written objections. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. Failure to timely file objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See Thomas v. Arn*, 474 U.S. 140, 147–49 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276–77 (5th Cir. 1988).

Signed at Houston, Texas on October 10, 2024.

A handwritten signature in cursive script, reading "Peter Bray", is positioned above a horizontal line.

Peter Bray
United States Magistrate Judge